
**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EDWARD A. WILLIAMS	:	
Plaintiff	:	Civil Action No. 17-CV-2641
	:	
v.	:	Honorable Robert F. Kelly
	:	
JEFFERSON B. SESSIONS III, <i>et al.</i>	:	
	:	
Defendants	:	

**Exhibit List to Plaintiff's Brief in Opposition to Defendant's Motion to
Dismiss**

Exhibit A: Pennsylvania State Police Background Check

Exhibit B: Federal Firearms Act of 1938

Exhibit C: National Survey of State Laws: Criminal Law: Drunk Driving 7th Edition (2015)

Exhibit D: 75 Pa.C.S. § 3804. Penalties (2005)

EXHIBIT A

PENNSYLVANIA STATE POLICE

1800 Elmerton Avenue
Harrisburg, PA 17110

Control #
R17746166

REQUEST FOR CRIMINAL RECORD CHECK

**JOSHUA PRINCE
646 LENAPE ROAD
BECHTELSVILLE PA 19505**

TELEPHONE: (610) 845-3803

TO WHOM IT MAY CONCERN:

THE PENNSYLVANIA STATE POLICE DOES HEREBY CERTIFY THAT:

Name: Williams, Edward

Date of Birth: [REDACTED]

Social Security #: [REDACTED]

Sex: M

Race: Unknown

Date of Request: 3/13/2017 11:00:00 AM

Purpose of Request: Other

Maiden Name and/or Alias (1) (2)

(3) (4)

***** HAS A CRIMINAL RECORD IN PENNSYLVANIA BASED ON A CHECK OF THE ABOVE IDENTIFIERS - CRIMINAL RECORD FOR SID NO: 184-59-80-9 ATTACHED*****

THE INFORMATION DISSEMINATED BY THE CENTRAL REPOSITORY IS BASED SOLELY ON THE FOLLOWING IDENTIFIERS THAT MATCH THOSE FURNISHED BY THE REQUESTER:

NAME SOCIAL SECURITY NUMBER MAIDEN / ALIAS NAME
 DATE OF BIRTH RACE SEX

THE RESPONSE IS BASED ON A COMPARISON OF DATA PROVIDED BY THE REQUESTER AGAINST INFORMATION CONTAINED IN THE FILES OF THE PENNSYLVANIA STATE POLICE CENTRAL REPOSITORY ONLY. PLEASE CONFIRM IDENTIFIERS PROVIDED. POSITIVE IDENTIFICATION CANNOT BE MADE WITHOUT FINGERPRINTS. THE PENNSYLVANIA STATE POLICE RESPONSE DOES NOT PRECLUDE THE EXISTENCE OF CRIMINAL RECORDS, WHICH MIGHT BE CONTAINED IN THE REPOSITORIES OF OTHER LOCAL, STATE, OR FEDERAL CRIMINAL JUSTICE AGENCIES.

COMPARISON MADE WITH FINGERPRINTS

ADDITIONAL INFORMATION MAY BE AVAILABLE FROM QUERIES OF OTHER STATE AND FEDERAL DATABASES.

SEE WEBSITE: <http://www.casanet.org/program-management/volunteer-manage/criminal-bkg-check.htm>

PENNSYLVANIA'S MEGAN'S LAW WEBSITE AT: <http://pameganslaw.state.pa.us/>
QUESTIONS CONCERNING THIS CRIMINAL RECORD CHECK SHOULD BE DIRECTED TO THE PATCH HELP LINE TOLL FREE AT 1-888-QUERY-PA (1-888-783-7972)

CERTIFIED BY:



DISSEMINATED BY: 703182

03/22/2017

Lieutenant Richard O Quinn

Director, Criminal Records and Identification Division
Pennsylvania State Police

SP4-137B

COMPILED: 2017/03/22

PAGE: 1 of 1

PENNSYLVANIA STATE POLICE
 CENTRAL REPOSITORY
 1800 ELMERTON AVENUE
 HARRISBURG, PENNSYLVANIA 17110
 (888) 783-7972

=====
 USE OF THE FOLLOWING CRIMINAL HISTORY RECORD *** SID 184-59-80-9 ***
 REGULATED BY ACT 47, AS AMENDED.
 =====

IDENTIFICATION

NAME: WILLIAMS, EDWARD A

SID: 184-59-80-9

DOB: [REDACTED]

SOC: [REDACTED]

SEX: MALE

RAC: BLACK

HAI: BLACK

EYE: BLACK

HGT: 6'01"

WGT: 230

POB: US CITIZEN: YES

COUNTRY OF CITIZENSHIP: UNITED STATES

CRIMINAL HISTORY

NAME: WILLIAMS, EDWARD OTN: N293062-0

ARRESTED: 2004/09/07 PAPEP0000 PHILADELPHIA

OCA: C0935505

DISPO DATE: 2006/06/15

DISTRICT JUSTICE DOCKET NUMBER: MC 0409-0216

*** COURT DATA ***

OFFENSE

DATE	CHARGE	COUNT	GRADE	DISPOSITION
2004/09/07	VC3802 DRIVING UNDER THE INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE	1		FOUND GUILTY/ COUNTY PRISON/ 90 DYS - 002 YR- S

FOR MORE INFORMATION, CONTACT THE APPROPRIATE COURT OF RECORD

PROBATION/PAROLE INFORMATION

AGENCY	OCA	START DATE	END DATE	PAR/PRO	LIFE CODE
PA051023G	C0935505	2006/06/15	2008/06/15	PAROLE	

PHILADELPHIA
 APPLIES TO OTN: N293062-0

ADDITIONAL IDENTIFIERS

AKAs: WILLIAMS, EDWARD ALS / WILLIAMS, EDWARD ALS JR

DOBs:

SOCs:

MNUs:

=====
 F=FELONY, M=MISDEMEANOR, S=SUMMARY AND THE NUMERIC=DEGREE
 ARREST(S) SUPPORTED BY FINGERPRINT CARD(S) ON FILE

RESPONSE BASED ON COMPARISON OF REQUESTER FURNISHED INFORMATION AND/OR
 FINGERPRINTS AGAINST A NAME INDEX AND/OR FINGERPRINTS CONTAINED IN THE FILES OF
 THE PENNSYLVANIA STATE POLICE CENTRAL REPOSITORY ONLY, AND DOES NOT PRECLUDE
 THE EXISTENCE OF OTHER CRIMINAL RECORDS WHICH MAY BE CONTAINED IN THE
 REPOSITORIES OF OTHER LOCAL, STATE, OR FEDERAL CRIMINAL JUSTICE AGENCIES.

THE PENNSYLVANIA STATE POLICE IS IN THE PROCESS OF SWITCHING FROM SCN CHARGE CODES TO
 THE PURDON'S FORMAT. RAP RESPONSES MAY SHOW BOTH SCN AND PURDON'S FORMATTED CHARGES.

***** END OF RAP SHEET *****

EXHIBIT B

[CHAPTER 850]

AN ACT

To regulate commerce in firearms.

June 30, 1938
[S. 3]

[Public, No. 785]

Federal Firearms
Act.

Definitions.

"Person."

"Interstate or for-
eign commerce."

"Firearm."

"Manufacturer."

"Dealer."

"Licensed dealer."

"Crime of violence."

"Fugitive from jus-
tice."

"Ammunition."

Unlawful acts.
Transportation,
etc., of firearms or
ammunition without
license.Knowingly receiv-
ing same.Transportation, etc.,
to other than licensed
manufacturer or dealer.*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as used in this Act—*

(1) The term "person" includes an individual, partnership, association, or corporation.

(2) The term "interstate or foreign commerce" means commerce between any State, Territory, or possession (including the Philippine Islands but not including the Canal Zone), or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession (including the Philippine Islands but not including the Canal Zone), or the District of Columbia, but through any place outside thereof; or within any Territory or possession or the District of Columbia.

(3) The term "firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive and a firearm muffler or firearm silencer, or any part or parts of such weapon.

(4) The term "manufacturer" means any person engaged in the manufacture or importation of firearms, or ammunition or cartridge cases, primers, bullets, or propellant powder for purposes of sale or distribution; and the term "licensed manufacturer" means any such person licensed under the provisions of this Act.

(5) The term "dealer" means any person engaged in the business of selling firearms or ammunition or cartridge cases, primers, bullets or propellant powder, at wholesale or retail, or any person engaged in the business of repairing such firearms or of manufacturing or fitting special barrels, stocks, trigger mechanisms, or breach¹ mechanisms to firearms, and the term "licensed dealer" means any such person licensed under the provisions of this Act.

(6) The term "crime of violence" means murder, manslaughter, rape, mayhem, kidnaping, burglary, housebreaking; assault with intent to kill, commit rape, or rob; assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year.

(7) The term "fugitive from justice" means any person who has fled from any State, Territory, the District of Columbia, or possession of the United States to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

(8) The term "ammunition" shall include all pistol or revolver ammunition except .22-caliber rim-fire ammunition.

Sec. 2. (a) It shall be unlawful for any manufacturer or dealer, except a manufacturer or dealer having a license issued under the provisions of this Act, to transport, ship, or receive any firearm or ammunition in interstate or foreign commerce.

(b) It shall be unlawful for any person to receive any firearm or ammunition transported or shipped in interstate or foreign commerce in violation of subdivision (a) of this section, knowing or having reasonable cause to believe such firearms or ammunition to have been transported or shipped in violation of subdivision (a) of this section.

(c) It shall be unlawful for any licensed manufacturer or dealer to transport or ship any firearm in interstate or foreign commerce to any person other than a licensed manufacturer or dealer in any State the laws of which require that a license be obtained for the purchase of such firearm, unless such license is exhibited to such manufacturer or dealer by the prospective purchaser.

(d) It shall be unlawful for any person to ship, transport, or cause to be shipped or transported in interstate or foreign commerce any firearm or ammunition to any person knowing or having reasonable cause to believe that such person is under indictment or has been convicted in any court of the United States, the several States, Territories, possessions (including the Philippine Islands), or the District of Columbia of a crime of violence or is a fugitive¹ from justice.

Shipment to person under indictment, etc.

(e) It shall be unlawful for any person who is under indictment or who has been convicted of a crime of violence or who is a fugitive¹ from justice to ship, transport, or cause to be shipped or transported in interstate or foreign commerce any firearm or ammunition.

Shipment by person under indictment, etc.

(f) It shall be unlawful for any person who has been convicted of a crime of violence or is a fugitive¹ from justice to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce, and the possession of a firearm or ammunition by any such person shall be presumptive evidence that such firearm or ammunition was shipped or transported or received, as the case may be, by such person in violation of this Act.

Receipt by person convicted of crime of violence, etc.

(g) It shall be unlawful for any person to transport or ship or cause to be transported or shipped in interstate or foreign commerce any stolen firearm or ammunition, knowing, or having reasonable cause to believe, same to have been stolen.

Transportation of stolen firearms, etc.

(h) It shall be unlawful for any person to receive, conceal, store, barter, sell, or dispose of any firearm or ammunition or to pledge or accept as security for a loan any firearm or ammunition moving in or which is a part of interstate or foreign commerce, and which while so moving or constituting such part has been stolen, knowing, or having reasonable cause to believe the same to have been stolen.

Traffic in stolen firearms.

(i) It shall be unlawful for any person to transport, ship, or knowingly receive in interstate or foreign commerce any firearm from which the manufacturer's serial number has been removed, obliterated, or altered, and the possession of any such firearm shall be presumptive evidence that such firearm was transported, shipped, or received, as the case may be, by the possessor in violation of this Act.

Transportation of firearms from which serial number has been removed.

SEC. 3. (a) Any manufacturer or dealer desiring a license to transport, ship, or receive firearms or ammunition in interstate or foreign commerce shall make application to the Secretary of the Treasury, who shall prescribe by rules and regulations the information to be contained in such application. The applicant shall, if a manufacturer, pay a fee of \$25 per annum and, if a dealer, shall pay a fee of \$1 per annum.

Licenses, application, fee.

(b) Upon payment of the prescribed fee, the Secretary of the Treasury shall issue to such applicant a license which shall entitle the licensee to transport, ship, and receive firearms and ammunition in interstate and foreign commerce unless and until the license is suspended or revoked in accordance with the provisions of this Act: *Provided*, That no license shall be issued to any applicant within two years after the revocation of a previous license.

Issuance.

(c) Whenever any licensee is convicted of a violation of any of the provisions of this Act, it shall be the duty of the clerk of the court to notify the Secretary of the Treasury within forty-eight hours after such conviction and said Secretary shall revoke such license: *Provided*, That in the case of appeal from such conviction the licensee may furnish a bond in the amount of \$1,000, and upon receipt of such bond acceptable to the Secretary of the Treasury he may permit the licensee to continue business during the period of the appeal, or should the licensee refuse or neglect to furnish such bond, the Secre-

Proviso.
Issuance after revocation.

Revocation on conviction of licensee.

Proviso.
Temporary continuance; bond.

¹So in original.

Dealers' records.

tary of the Treasury shall suspend such license until he is notified by the clerk of the court of last appeal as to the final disposition of the case.

Exemptions.

(d) Licensed dealers shall maintain such permanent records of importation, shipment, and other disposal of firearms and ammunition as the Secretary of the Treasury shall prescribe.

Federal, State governments, agencies, etc.

SEC. 4. The provisions of this Act shall not apply with respect to the transportation, shipment, receipt, or importation of any firearm, or ammunition, sold or shipped to, or issued for the use of, (1) the United States or any department, independent establishment, or agency thereof; (2) any State, Territory, or possession, or the District of Columbia, or any department, independent establishment, agency, or any political subdivision thereof; (3) any duly commissioned officer or agent of the United States, a State, Territory, or possession, or the District of Columbia, or any political subdivision thereof; (4) or to any bank, public carrier, express, or armored-truck company organized and operating in good faith for the transportation of money and valuables; (5) or to any research laboratory designated by the Secretary of the Treasury: *Provided*, That such bank, public carriers, express, and armored-truck companies are granted exemption by the Secretary of the Treasury; nor to the transportation, shipment, or receipt of any antique or unserviceable firearms, or ammunition, possessed and held as curios or museum pieces: *Provided*, That nothing herein contained shall be construed to prevent shipments of firearms and ammunition to institutions, organizations, or persons to whom such firearms and ammunition may be lawfully delivered by the Secretary of War, nor to prevent the transportation of such firearms and ammunition so delivered by their lawful possessors while they are engaged in military training or in competitions.

Banks, carriers, etc.

Research laboratories.

Proviso.

Exemptions granted by Secretary of Treasury.

Antiques, curios, etc.

Shipments to designated institutions or persons.

Military training, etc.

Penalty provisions.

SEC. 5. Any person violating any of the provisions of this Act or any rules and regulations promulgated hereunder, or who makes any statement in applying for the license or exemption provided for in this Act, knowing such statement to be false, shall, upon conviction thereof, be fined not more than \$2,000, or imprisoned for not more than five years, or both.

SEC. 6. This Act shall take effect thirty days after its enactment.

SEC. 7. The Secretary of the Treasury may prescribe such rules and regulations as he deems necessary to carry out the provisions of this Act.

SEC. 8. Should any section or subsection of this Act be declared unconstitutional, the remaining portion of the Act shall remain in full force and effect.

SEC. 9. This Act may be cited as the Federal Firearms Act.

Approved, June 30, 1938.

[CHAPTER 851]

AN ACT

June 30, 1938
[S. 1131]
[Public, No. 786]

To amend the part of the Act entitled "An Act making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes", approved June 4, 1920, relating to the conservation, care, custody, protection, and operation of the naval petroleum and oil-shale reserves.

Naval petroleum reserves.
41 Stat. 813.
34 U. S. C. § 524.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the part of the Act entitled "An Act making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes", approved June 4, 1920 (41 Stat. 813), relating to the conservation, care, custody, protection, and operation of the naval petroleum and

EXHIBIT C

DRUNK DRIVING

Penalties for drunk driving continue to become tougher over the years as the cost of this dangerous behavior rises. Reckless alcohol consumption among young people has also risen markedly, and it has been met with sharp intolerance. There are often lower legal limits for minor drivers and longer driver's license suspensions.

Drunk driving, driving while intoxicated (DWI), or driving under the influence (DUI), is typically determined by the alcohol content found in the driver's blood. Blood alcohol content (BAC) may be determined in two ways: through breath analysis or urinalysis. All states have now lowered the legal limit of blood alcohol content to 0.08 percent. Several states have also set a separate limit at 0.02 or 0.04 percent for commercial vehicle or public school bus drivers.

Penalties for drunk driving are severe in most states. Virtually every state suspends the driver's license on a first offense, and the length of suspension increases sharply with each successive offense. There is, however, a great deal of variation in the lengths of suspension of driving privileges among the states. A recent development is the introduction of Ignition Interlocking Device (IID) as an option for drivers convicted of driving while under the influence. All but twelve states now offer offenders a way to avoid virtually any penalties, at least for the first offense, by agreeing to the installation of IID in their car.

Another recent development is the addition of enhancements for driving while legally intoxicated with a minor on board. Several states have added enhancements if there is a "minor" in the car, while other states specify children under 14 or 16 years old.

[\(show less...\)](#)[\(show more...\)](#)

Show Only Checked States	State Name	Code Section	BAC Legal Limit	Rehabilitation Required?	Driver's License Suspension/ Ignition Interlock Device	Other Penalties	Edition
	ALABAMA	32-5A-191; 32-5A-304	.08% BAC; under 21 or school bus or day care driver on duty: .02%	Yes; DUI court referral program approved by state; driver's license not reissued without proof of completion of program (show less...) (show more...)	90 day suspension or IID for 6 mos.; 90 days and 2 yr. IID if offender refuses to provide BAC or child under 14 was passenger or person other than driver was injured; 2nd offense within 5 yrs.: 1 yr. suspension or 2 yrs. IID after minimum 45 day suspension; 3rd offense: 3 yr. suspension or 3 yrs. IID after minimum 180 day suspension; 4th or subsequent offense: 5 yr. suspension or 5 yrs. IID after minimum 1 yr. suspension (show less...) (show more...)	Imprisonment up to 1 yr. and/or fine \$600 to \$2,100; 2nd offense within 5 yrs.: Imprisonment 5 days to 1 yr. or community service 30 days to 1 yr. and fine \$1,100 to \$5,100; 3rd offense: Imprisonment 60 days to 1 yr. and fine \$2,100 to \$10,100; 4th or subsequent offense: class C felony, imprisonment 1 yr. 1 day to 10 yrs. and fine \$4,100 to \$10,100; sentence for any offense doubled if offender over 21 and transporting minor under 14 at time of offense or BAC is .15% or higher. (show less...) (show more...)	2015 (7th Ed.)
	ALASKA	28.35.030; 28.15.181	.08% BAC as determined by test taken within 4 hrs. of offense	Yes, must satisfy screening, evaluation, referral, and program requirements of agency authorized by state to provide rehabilitative treatment; while in prison or as a condition of parole a court may order the administration of drugs intended to prevent the consumption of alcoholic beverages (show less...) (show more...)	Suspension at least 90 days and 6 mos. IID; 2nd offense: Suspension at least 1 yr. and 1 yr. IID; 3rd offense: Suspension at least 3 yrs. and 18 mos. IID; 4th offense: Suspension at least 5 yrs. and 24 mos. IID; 5th offense: suspension at least 5 yrs. and 30 mos. IID; 6th offense: suspension at least 5 yrs. and 36 mos. IID (show less...) (show more...)	Imprisonment at least 72 hrs. at community residential center or electronic monitoring at private residence and at least \$1,500 fine, must perform 24 hrs. community service while imprisoned; 2nd offense: imprisonment at least 20 days at community residential center or electronic monitoring at private residence and at least \$3,000 fine, must perform 160 hrs. community service while imprisoned; 3rd offense: imprisonment at least 60 days and at least \$4,000 fine; 4th offense: imprisonment at least 120 days and minimum \$5,000 fine; 5th offense: imprisonment at least 240 days and at least \$6,000 fine; 6th & subsequent offenses: imprisonment at least 360 days and at least \$7,000 fine; (show less...) (show more...)	2015 (7th Ed.)
	ARIZONA	28-1381 to 28-1390; 28-3319	.08% BAC within 2 hrs. of driving or being in actual physical control of vehicle; commercial vehicle drivers: .04% BAC	Yes; court ordered treatment programs must be completed and may reduce the penalties for license suspension, IID use, and time of (show less...) (show more...)	Automatic 30 day suspension plus additional 60 days of restricted driving only to work/school, plus: 1st offense: IID for 12 mos., which may be deferred if offender successfully completes an alcohol education program for a minimum of 16 hrs. and other requirements	Imprisonment at least 10 consecutive days and at least \$1,250 fine; 2nd and subsequent offenses within 84 mos.: imprisonment at least 90 days and at least	2015 (7th Ed.)

[\(show less...\)](#)[\(show more...\)](#) incarceration.
[\(show less...\)](#)[\(show more...\)](#)

and other requirements met, IID for 18 mos. if BAC is .20 or more; 2nd offense within 84 months : 12 mos. suspension; IID for 12 to 24 mos. depending on BAC
[\(show less...\)](#)[\(show more...\)](#)

\$3,000 fine
[\(show less...\)](#)[\(show more...\)](#)

ARKANSAS	5-65-103 to 5-65-122	.08% BAC as determined by test	Alcohol education program prescribed and approved by the Office of Alcohol and Drug Abuse Prevention	6 months suspension or IID; 2nd offense: 24 mos. suspension or IID; 3rd offense: 30 mos. suspension or IID; 4th and subsequent offenses: 4 yr. revocation, not eligible for IID (show less...) (show more...)	Imprisonment 1 day to 1 yr. and fine \$150 to \$1,000, court can order community service in lieu of jail; 2nd offense: imprisonment 7 days to 1 yr. or at least 30 days community service and fine \$400 to \$3,000; 3rd offense: imprisonment 90 days to 1 yr. or at least 90 days community service and fine \$900 to \$5,000; 4th offense: imprisonment 1 to 6 yrs. at least 1 yr. community service and fine \$900 to \$5,000; 5th or subsequent offense: imprisonment 2 to 10 yrs. or at least 2 yrs. community service and fine \$900 to \$5,000 (show less...) (show more...)	2015 (7th Ed.)
				6 mos. suspension, or if probation granted, could be 90 days with exception of traveling to work and rehab program; court may require IID; 2nd offense: 2 yrs., suspension, after 12 mos. a restricted license may be granted upon enrollment in an 18 or 30 month licensed program; 3rd offense: 3 yrs. suspension, after 24 mos. a restricted license may be granted upon completion of an 18 or 30 month authorized program; 4th offense: 4 yrs., after 24 mos. a restricted license may be granted upon completion of an 18 or 30 month authorized program; IID required on all restricted licenses after 1st offense (show less...) (show more...)	Imprisonment up to 6 mos. and fine \$390 to \$1,000; 2nd offense within 10 yrs.: imprisonment 90 days to 1 yr. and fine \$390 to \$1,000; 3rd offense within 10 yrs.: imprisonment 120 days to 1 yr. and \$390 to \$1,000 and designation as habitual traffic offender for 3 yrs.; 4th within 10 yrs.: imprisonment 180 days to 1 yr. and fine \$390 to \$1,000 and designation as habitual traffic offender for 3 yrs.; penalties increase if violations include bodily injury. (show less...) (show more...)	
CALIFORNIA	Veh. §§ 13352; 23152 to 23217; 23536 to 23598	.08% BAC at time of driving as determined by chemical test within 3 hrs. of driving, rebuttably presumed that percentage at time of driving was equal of residence or to or more than at time of test; commercial vehicle driver: .04% BAC (show less...) (show more...)	Yes: must participate in a driving-under-the-influence program in driver's county of residence or employment (show less...) (show more...)	6 mos. suspension, or if probation granted, could be 90 days with exception of traveling to work and rehab program; court may require IID; 2nd offense: 2 yrs., suspension, after 12 mos. a restricted license may be granted upon enrollment in an 18 or 30 month licensed program; 3rd offense: 3 yrs. suspension, after 24 mos. a restricted license may be granted upon completion of an 18 or 30 month authorized program; 4th offense: 4 yrs., after 24 mos. a restricted license may be granted upon completion of an 18 or 30 month authorized program; IID required on all restricted licenses after 1st offense (show less...) (show more...)	Imprisonment up to 6 mos. and fine \$390 to \$1,000; 2nd offense within 10 yrs.: imprisonment 90 days to 1 yr. and fine \$390 to \$1,000; 3rd offense within 10 yrs.: imprisonment 120 days to 1 yr. and \$390 to \$1,000 and designation as habitual traffic offender for 3 yrs.; 4th within 10 yrs.: imprisonment 180 days to 1 yr. and fine \$390 to \$1,000 and designation as habitual traffic offender for 3 yrs.; penalties increase if violations include bodily injury. (show less...) (show more...)	2015 (7th Ed.)
				.08% BAC at the time of driving or within 2 hrs. after driving; under age 21: .02% BAC within 2 hrs. of driving; between .05% and .08% BAC, presumption is that driver was impaired; driving while ability impaired" or "DWAI" means driving a motor vehicle or vehicle when a person has consumed alcohol or one or more drugs, or a combination of both alcohol and one or more drugs, that affects the person to the slightest degree so that the person is less able than the person ordinarily would have been, either mentally or physically, or both mentally and physically, to exercise clear judgment, sufficient physical control, or due care in the safe operation of a vehicle. (show less...) (show more...)	Yes, alcohol and drug driving safety programs in each judicial district provide presentence alcohol and drug evaluations and recommend treatment (show less...) (show more...)	1st and 2nd offenses: 1 year; 3rd or subsequent: license will be revoked indefinitely; may be reinstated after 2 yrs. if offender completes drug and alcohol program and completes motor vehicle testing; in all cases, offender will be required to use an IID for a minimum of 1 yr. as a condition of bond or probation at offender's own expense. (show less...) (show more...)
COLORADO	42-2-129; 42-2-132; 42-4-1301; 42-4-1307	.08% BAC at time of driving or within 2 hrs. after driving; under age 21: .02% BAC within 2 hrs. of driving; between .05% and .08% BAC, presumption is that driver was impaired; driving while ability impaired" or "DWAI" means driving a motor vehicle or vehicle when a person has consumed alcohol or one or more drugs, or a combination of both alcohol and one or more drugs, that affects the person to the slightest degree so that the person is less able than the person ordinarily would have been, either mentally or physically, or both mentally and physically, to exercise clear judgment, sufficient physical control, or due care in the safe operation of a vehicle. (show less...) (show more...)	Court may order participation in alcohol education and treatment	Suspension 45 days and 1 yr. IID; 2nd offense within 10 yrs.: suspension 45 days and 3 yrs. IID; if offender under 21, driving restricted to work, school, or treatment for 1 yr. after suspension; 3rd and subsequent offense within 10 yrs.: licensed revoked	Imprisonment up to 6 mos. with minimum 48 hours consecutive, or probation including 100 hrs. community service, and fine \$500 to \$1,000; 2nd offense within 10 yrs.: imprisonment up to 2 yrs. with minimum 120 days consecutive, probation	2015

CONNECTICUT	14-2271 ¹⁰ offense; commercial vehicle driver: .04%	education and treatment program in addition to any fine or sentence (show less...) (show more...)	permanently; after 2 yrs., offender may request hearing for reversal or reduction of revocation and must show good cause; if revocation reversed or reduced, offender must have IID for life but may request hearing to remove IID after 15 yrs. (show less...) (show more...) (show less...) (show more...)	including 100 hrs. (7th community service and fine Ed.) \$1,000 to \$4,000; 3rd and subsequent offense within 10 yrs.: imprisonment up to 3 yrs. with minimum of 1 yr. consecutive, probation including 100 hrs. community service, and fine \$2,000 to \$8,000 (show less...) (show more...) (show less...) (show more...)
DELAWARE	Tit. 21, § 4177	.08% BAC as shown by test taken within 4 hrs. of offense; evidence of .05-.08% BAC raises no presumption of intoxication but may be used as factor in intoxication determination; under age 21: .02% BAC within 4 hrs. of driving (show less...) (show more...)	Yes – minimum 3 mo. program required; many treatment programs available which may determine the length of sentence, including the required duration of IID use; program may require period of sobriety which may be measured by periodic tests and/or transdermal continuous alcohol monitoring device (show less...) (show more...)	BAC .08-.15%: 12 month revocation; .15 -.19%: 18 month revocation; .20% or greater or chemical test was refused: 24 month revocation; 2nd offense: BAC .08-.15%: 18 mo. revocation; .15-.19%: 24 mo. revocation; .20% or greater or chemical test was refused: 30 mo. revocation; 3rd offense: BAC .08-.15%: 24 mo. revocation; .15-.19%: 30 mo. revocation; .20% or greater or chemical test was refused: 36 mo. revocation; 4th or subsequent offense: 60 mo. revocation regardless of BAC; IID: 1st offense: may apply for IID restricted permit 1-3 mos. after revocation; time of application and duration of IID use will be determined based on treatment program elected; 2nd and subsequent offenses or offender who refused a chemical test: may apply for IID restricted permit after 12 mos.; duration of IID use will be determined based on treatment program elected. (show less...) (show more...)
DISTRICT OF COLUMBIA	50-1403.01; 50-2201.05a; 50-2206.11 to 50-2206.18	.08% BAC; .10% alcohol in urine (less than .03% BAC or .04% in urine is evidence of intoxication but no presumption of intoxication; greater than .05% BAC or .06% in urine constitutes prima facie case of intoxication); under age 21: no measurable amount of alcohol for blood, breath, or urine (show less...) (show more...)	Yes, can request person enter diversion program	Imprisonment up to 180 days, 10 day mandatory minimum if BAC .20-.25%, 15 day mandatory minimum if .25-.30%, 20 day mandatory minimum if .30% or higher, and \$1,000 fine; 2nd offense: imprisonment 10 days to 1 yr., 15 day mandatory minimum if .20-.25%, 20 day mandatory minimum if .25-.30%, 25 day mandatory minimum if .30% or higher, and fine \$2,500 to \$5,000; 3rd offense: 15 days to 1 yr., .20-.25%, 25 day mandatory minimum if .25-.30%, 30 day mandatory minimum if .30% or higher, and fine \$2,500 to \$10,000; 4th and subsequent offense: additional 30-day mandatory minimum term of incarceration shall be imposed for each additional violation; commercial drivers subject to additional 5 day mandatory minimum term of incarceration; if minor in vehicle, imprisonment minimum 5 days per minor, 10 days per minor if minors not restrained with age-appropriate child passenger safety restraints, and fine \$500 to \$1,000 per minor (show less...) (show more...) (show less...) (show more...)
				Imprisonment up to 6 mos. and fine \$500 to \$1,000; up to 9 mos. and \$1,000 to

FLORIDA	316.193, 322.28	.08% BAC; .08% in breath	Yes, required attendance at licensed substance abuse course, including psychological evaluationp> (show less...) (show more...)	Revocation 180 days to 1 yr. followed by 6 mos. mandatory IID; 2nd offense within 5 yrs.: revocation 5 yrs. followed by 1 yr. mandatory IID; 3rd offense within 10 yrs.: revocation 10 yrs. followed by 2 yrs. mandatory IID	\$2,000 if BAC .15% or higher or accompanied by minor; 2nd offense: imprisonment up to 9 mos. and fine \$1,000 to \$2,000; up to 12 mos. and fine \$2,000 to \$4,000 if .15% or higher or accompanied by minor; 3rd offense within 10 yrs.: 3rd degree felony, punishable by imprisonment up to 5 yrs. and \$5,000 fine; 3rd offense after 10 yrs.: imprisonment up to 12 mos. and fine \$2,000 to \$5,000; 4th and subsequent offense: 3rd degree felony, punishable by imprisonment up to 5 yrs. and \$2,000 fine	2015 (7th Ed.)
GEORGIA	40-5-62; 40-5-63; 40-5-67; 40-6-391	.08% BAC within 3 hrs. of driving or being in actual physical control; commercial motor vehicle driver: .04% BAC; under age 21: .02% BAC within 3 hrs. of driving	Yes – treatment is required in addition to other penalties for every offense; license reinstated upon completion of clinical evaluation and DUI Alcohol or Drug Use Risk Reduction Program approved by Department of Human Resources and pays fee of \$210 or \$200.	1st: 1 yr. revocation, may apply for reinstatement after 120 days if completed DUI Alcohol or Drug Use Risk Reduction Program and pays restoration fee; 2nd within 5 yrs.: 3 yr. revocation; 3rd within 5 yrs.: 5 yr. revocation and considered habitual violator	Imprisonment 10 days to 12 mos., probation 12 mos. less any time served, minimum 40 hrs. community service, fine \$300 to \$1,000; 2nd offense within 5 yrs.: imprisonment 90 days to 12 mos., probation 12 mos. less any time served, minimum 30 days community service, fine \$600 to \$1,000; 3rd offense within 10 yrs.: imprisonment mandatory 15 days to 120 mos., probation 12 mos. less any time served, minimum 30 days community service, fine \$1,000 to \$5,000; 4th or subsequent offense within 10 yrs.: imprisonment 1 to 5 yrs., probation 5 yrs. less any time served, 60 days community service, fine \$1,000 to \$5,000; guilty of separate crime of child endangerment if minor present in vehicle	2015 (7th Ed.)
HAWAII	291E-3; 291E-61; 291E-61.5; 291E-64	.08% BAC or breath within 3 hrs. after the time of the alleged violation; no presumption for .05-.08% BAC, but may be used in intoxication determination; under age 21: any measurable amount of alcohol	14 hrs. minimum alcohol abuse rehab program including education and counseling or comparable program approved by court; subsequent offense: may be required pending evaluation by substance abuse counselor	1st offense or more than 5 yrs. since previous conviction: Revocation 1 yr. and IID during revocation on any vehicle operated by person; subsequent offense within 5 yrs.: revocation 18 mos. to 2 yrs.; IID during revocation on any vehicle operated by person	Imprisonment 48 hrs. to 5 days and/or 72 hrs. community service and/or fine \$150 to \$1,000; 2nd offense within 5 yrs.: imprisonment 5 to 14 days, 48 hrs. consecutively, or 240 hrs. community service and fine \$500 to \$1,500; 3rd offense within 5 yrs.: imprisonment 10 to 30 days, 48 hrs. consecutively, and fine \$500 to \$2,500; 3rd and subsequent offense within 10 yrs.: habitual offender, class C felony, punishable by imprisonment or probation 5 yrs., mandatory 10 days imprisonment, at least 48 hrs. served consecutively	2015 (7th Ed.)
IDAHO	18-8001 to 18-8011	.08% BAC; under age 21: .02-.08% BAC; .20% BAC is considered excessive; commercial truck driver: .04% BAC	Alcoholic evaluation at own expense at approved facility; if necessary, an appropriate alcoholic treatment must be completed in addition to the rest of the sentence	1st: 30 days mandatory suspension, 60-150 days restricted privileges; 2nd offense within 10 yrs.: 1 yr. mandatory suspension after release from confinement followed by at least 1 yr. IID; 3rd offense within 10 yrs.: suspension mandatory 1 yr. to 5 yrs. followed by at least 1 yr. IID 10	Imprisonment up to 6 mos. and/or fine up to \$1,000; 2nd offense within 10 yrs.: imprisonment 10 days to 1 yr., 1st 48 hrs. consecutively, and fine up to \$2,000; 3rd offense within 10 yrs.: felony, punishable by imprisonment mandatory 30 days up to 5 yrs. and fine up to \$5,000; separate penalties for minors under 21 with BAC less than .08% and excessive BAC, over .20%	2015 (7th Ed.)

[\(show less...\)](#)[\(show more...\)](#)

ILLINOIS	625 §§ 5/11-501 to 5/11-507	.08% BAC; less than .05% at test: presumed not to be under the influence of alcohol; .05%-.08% at test: no presumption of guilt but take it with other evidence; .08% at test: guilty; under age 21: 0.00% BAC (show less...) (show more...)	Professional evaluation to determine if there is abuse problem and extent; defendant pays cost; program must be approved/licensed by Dept. of Alcohol and Substance Abuse (show less...) (show more...)	Driving privileges revoked for indefinite period; IID required on all vehicles owned by person who has been convicted of a second or subsequent offense (show less...) (show more...)	Class A misdemeanor, if transporting someone under 16, imprisonment 6 mos., 25 days community service, fine at least \$1,000; if BAC .16% or more, mandatory minimum 100 hrs. community service and \$500 fine; 2nd offense: mandatory min. of either 5 days imprisonment or 240 hrs. community service in addition to any other criminal or administrative sanction; BAC .16% or more, additional mandatory minimum 2 days imprisonment and mandatory minimum fine \$1,250; aggravated driving under influence of alcohol: class 4 felony; 3rd offense: class 2 felony; BAC .16% or over, mandatory minimum 90 days imprisonment and mandatory minimum fine \$2,500 in addition to any other criminal or administrative sanction; if transporting someone under 16: mandatory \$25,000 fine and 25 days community service in program benefiting children in addition to any other criminal or administrative sanction; 4th offense: class 2 felony, no probation or conditional discharge; BAC .16% or more, mandatory minimum \$5,000 fine; if transporting someone under 16, additional mandatory \$25,000 fine and 25 days of community service in program benefiting children; 5th offense: class 1 felony no probation or conditional discharge; BAC .16% or more, mandatory minimum \$5,000 fine; if transporting someone under 16, additional mandatory \$25,000 fine and 25 days of community service in program benefiting children (show less...) (show more...)
INDIANA	9-30-5-1 to or more: class A 9-30-5-18; misdemeanor; under age 9-30-10-4 21: BAC .02-.08%: class C (show less...) (show more...)	.08 to .15% BAC: class C misdemeanor; BAC .15% (show less...) (show more...)	If second or subsequent offense, must receive assessment of degree of alcohol abuse and if appropriate order to successfully complete an alcohol treatment or deterrent program. (show less...) (show more...)	If no previous conviction in last ten years may suspend for not more than 2 years; if previous conviction more than five years but less than ten years before; may suspend for not more than two years, court may stay the execution of part of the suspension and grant the person specialized driving privileges for a period of time equal to the length of the stay; if previous conviction less than five years, may suspend for not more than two years, court may stay the execution of part of the suspension and grant the person Class C misdemeanor; 2nd offense within five years: level 6 felony, punishable by 5 days imprisonment or 180 hours of community restitution or service; 3rd offense within 5 yrs: imprisonment at least 10 days or at least 360 hrs. community restitution or service; transported at least 1 person less than 18 yrs of age: level 6 felony (show less...) (show more...)	

			specialized driving privileges for a period of time equal to the length of the stay, possibly with IID; any probationary periods include equipping motor vehicle with IID (show less...) (show more...)	(show less...) (show more...)
IOWA	321J.2 to 321J.25	.08% BAC; under age 21: .02% BAC within 2 hrs. after driving or in physical control of motor vehicle presumed to be alcohol concentration at time of driving (show less...) (show more...)	May be ordered to attend a course for drinking drivers; BAC over .20% or 2nd offense: must undergo substance abuse evaluation prior to sentencing; 3rd offense or if evaluation recommends treatment: may be assigned to facility by director of corrections dept. Note that any portion of sentence for 2nd, 3rd, or subsequent offense may be served as inpatient treatment for alcoholism or drug addiction or dependency (show less...) (show more...)	Imprisonment 48 hrs. to 1 yr. and fine \$1,250; 2nd offense: imprisonment 7 days to 2 yrs. and fine \$1,875 to \$6,250; 3rd offense: imprisonment 30 days to 5 yrs. and fine of \$3,125 max of \$9,375 (show less...) (show more...)
KANSAS	8-1001 to 8-1025; 8-1567 to 8-1567a	.08% BAC within 2 hrs. of operating vehicle; if BAC is less than .08%, this may be considered with other evidence of intoxication; under age 21: .02% BAC (show less...) (show more...)	Must enroll in alcohol and drug safety action education or treatment program; 2nd offense: must complete a treatment program for alcohol and drug abuse; 3rd offense: must complete treatment program for alcohol and drug abuse (show less...) (show more...)	Suspension 30 days, 1 yr. and 1 yr. IID; 2nd offense: suspension 1 yr. and 1 yr. IID; 3rd offense: suspension 1 yr. and 2 yrs. IID; 4th offense: suspension 1 yr. and 3 yrs. IID; 5th or subsequent offense: suspension 1 yr. and 10 yrs. IID; all revocations are reinstated at the above time periods only upon completion of alcohol and drug safety program; BAC .15% or higher: 1st offense: suspension 1 yr. and 1 yr. IID; 2nd offense: suspension 1 yr. and 2 yrs. IID; 3rd offense: suspension 1 yr. and 3 yrs. IID; 4th offense: suspension 1 yr. and 4 yrs. IID; 5th or subsequent offense: suspension 1 yr. and 10 yrs. IID; refusal to take test: 1st offense: suspension 1 yr. and 2 yrs. IID; 2nd offense: suspension 1 yr. and 3 yrs. IID; 3rd offense: suspension 1 yr. and 4 yrs. IID; 4th offense: suspension 1 yr. and 5 yrs. IID; 5th or subsequent offense: suspension 1 yr. and 10 yrs. IID (show less...) (show more...)
KENTUCKY	189A.010 to 189A.345	.08% BAC within 2 hrs. of driving; .05-.08% not considered a presumption of intoxication but considered with other evidence of intoxication; under age 21: .02% BAC within 2 hrs. of driving (show less...) (show more...)	30 to 120 days; 2nd offense within 5 yrs.: 12-18 mos.; 3rd offense within 5 yrs.: 24-36 mos.; 4th offense within 5 yrs.: 60 mos., if person is under 18 yrs. of age, license revoked until he or she reaches 18 or the above relevant penalty, whichever is the longer revocation; not eligible for reinstatement until completion of alcohol or substance abuse education or treatment program; may petition to reduce applicable minimum period of revocation by half, but not less 12 mos., if using IID (show less...) (show more...)	Imprisonment 48 hrs. to 30 days jail and/or 2 to 30 days community labor and fine \$200 to \$500; 2nd offense within 5 yrs.: imprisonment 7 days to 6 mos., possible 10 days to 6 mos. community labor in addition to jail term, and fine \$350 to \$500; 3rd offense within 5 yrs.: imprisonment 30 days to 12 mos. and possible 10 days to 1 yr. community labor in addition to jail term and fine \$500 to \$1,000; 4th and subsequent offense within 5 yrs.: class D felony. Note: all prior convictions include other states (show less...) (show more...)
			Imprisonment 10 days to 6 mos., possible suspension by attending program with minimal jail time or community service and fine 90 days; can be restricted if \$200 to \$1,000. 2nd	

LOUISIANA	14:98 to 14:98.7; 32:414	.08% BAC	Court approved substance abuse program and court approved driver improvement program is a min. condition for all probation, parole, or suspension of sentence	necessary, \$100 reinstatement fee; 2nd offense: 1 yr., \$200 reinstatement fee; 3rd or subsequent offense: 2 yrs., \$300 reinstatement fee; may be ordered to install IID as condition of probation	up to \$1,000, 2110 offense: imprisonment 30 days to 6 mos., possible suspension by attending program with minimal jail time or community service and fine \$750 to \$1,000; 3rd offense: imprisonment 1 to 5 yrs. and \$2,000 fine; 4th offense: imprisonment 10 to 30 yrs. at hard labor and \$5,000 fine; prior convictions include other states	2015 (7th Ed.)
			(show less...) (show more...)	(show less...) (show more...)	(show less...) (show more...)	
MAINE	Tit. 29A, § 2411	.08% BAC	Yes, for 2nd and subsequent offense, defendant may be required to participate in a Weekend Intervention Program or residential treatment program administered by the Office of Substance Abuse	150 days; 2nd offense: 3 yrs.; 3rd offense: 6 yrs.; 4th offense: 8 yrs.	Fine not less than \$500; \$600 if person failed to submit to test; imprisonment if aggravated violation; 2nd offense: imprisonment not less than 7 days and fine not less than \$700; \$900 if failed to submit to test; 3rd offense: 2015 imprisonment not less than 30 days and fine not less than \$1,100; \$1,400 if failed to submit to test; 4th offense: imprisonment not less than 6 mos. and fine not less than \$2,100; \$2,500 if failed to submit to test	2015 (7th Ed.)
			(show less...) (show more...)	(show less...) (show more...)	(show less...) (show more...)	
MARYLAND	Transp. 16-205; 16-212; 21-902; 27-101; 27-107	.08% BAC	Driver Improvement Program and Alcohol Education Program required	Up to 60 days; 2nd offense: 120 days; up to 1 yr. if prior conviction within 5 yrs.; may order use of IID for 3 yrs. as condition of probation	"Under the influence": 1st offense: imprisonment up to 1 yr. and fine up to \$500; "while intoxicated": 1 offense: imprisonment up to 1 yr. and/or fine up to \$1,000; 2nd offense: imprisonment up to 2 yrs. and/or fine up to \$2,000; 3rd and subsequent offense: imprisonment at least 3 yrs. and/or fine at least \$3,000; offenses including bodily injury or death or fleeing/evasing police involve stiffer penalties	2015 (7th Ed.)
			(show less...) (show more...)	(show less...) (show more...)	(show less...) (show more...)	
MASSACHUSETTS	Ch. 90, § 24	.08% BAC; <.05%, presumption is not under the influence; .05-.08% BAC, no presumption; under age 21: .02% (show less...) (show more...)	Appropriate to defendant with his/her consent as a condition of probation upon written finding that appropriate and adequate treatment is available to defendant and defendant would benefit and safety of public would not be endangered; minimum 14 days in residential alcohol treatment program at defendant's cost	1 yr.; 2nd offense: 2 yrs.; 3rd offense: 8 yrs.; 4th offense: 10 yrs.; can apply for new license on grounds of hardship and registrar's discretion: 1st offense: within 3 mos.; 2nd offense: within 6 mos.; 3rd offense: within 2 yrs.; 4th offense: within 5 yrs.; 5th offense: revoked for life	imprisonment 60 days to 2½ yrs. and fine \$600 to \$10,000; 3rd offense within 10 yrs.: imprisonment 180 days to 2½ yrs. and fine \$1,000 to \$15,000, or same fine and 2½ to 5 years in state prison; 4th offense within 10 yrs.: imprisonment 2-2½ yrs. and fine \$1,500 to \$25,000, or same fine and 2-2½ yrs in state prison; 5th or subsequent offense: imprisonment 2½ yrs and fine \$2,000 to \$50,000, or same fine and 2½-5 yrs. in state prison	2015 (7th Ed.)
			(show less...) (show more...)	(show less...) (show more...)	(show less...) (show more...)	
MICHIGAN	257.625 to 257.625o	.08% BAC, .01% eff. 10/1/2018; under age 21: .02%	Screening and assessment to determine the likely benefit from rehabilitation; court may order person to participate and successfully complete one or more alcohol or drug education or treatment programs	6 mos.; 2nd or subsequent offense within 7 yrs.: 1 yr., injuries or death-causing accidents heighten restrictions; court may order IID as condition of probation	Imprisonment up to 93 days and/or fine \$100 to \$500 and costs of prosecution and up to 360 hours community service; 2nd offense within 7 yrs.: imprisonment 5 days to 1 yr. and 30 to 90 days community service, fine \$200 to \$1,000; 3rd offense: felony, punishable by imprisonment 1 to 5 yrs. or probation with imprisonment in county jail up to 1 yr. and 60 to	2015 (7th Ed.)
			(show less...) (show more...)	(show less...) (show more...)	(show less...) (show more...)	

(show less...)(show more...)

				180 days community service; injuries or death-causing accident heightens penalties of all offenses (show less...) (show more...)
MINNESOTA	169A.01 to 169A.78	.08% BAC within 2 hrs. of driving; commercial motor vehicle driver: .04% BAC within 2 hrs. of driving; under age 21: any amount	Must submit to level of care recommended in mandatory chemical use assessment, at driver's expense	30 days; 2nd offense within 10 yrs.: at least 1 yr.; 3rd offense within 10 yrs.: at least 1 yr.; 4th and subsequent offenses: at least 4 yrs.; 5th and subsequent offenses: at least 6 yrs. (show less...) (show more...)
MISSISSIPPI	63-11-30	.08% BAC; under age 21 .02% or more; commercial motor vehicle driver: .04% BAC	Required alcohol safety education program	1st: 90 days and successful completion of program—max. 1 yr. (may petition for hardship after 30 days); 2nd: 2 yrs. (after 1 yr., can be reduced for successful completion of program); 3rd and subsequent: 5 yrs. (eligible for reinstatement after 3 yrs. and successful completion of program) (show less...) (show more...)
MISSOURI	020-049; 302.525; 302.505; 478.007; 577.010, 577.012	.08% BAC; under age 21: .02% BAC or more	Yes, court shall order participation and successful completion of alcohol or drug-related traffic offender education or rehab program which meets standards established by Dept. of Public Safety and Dept. of Mental Health and professional assessment (show less...) (show more...)	30 days followed by 60 days restricted license, or may include use of IID; 2nd or subsequent offense: 1 yr. with IID for at least 6 mos. following reinstatement (show less...) (show more...)
MONTANA	61-5- 205; 61-5-208; 61-8-406; 61-8-410; 61-8-722	.08% BAC; under age 21: .02% BAC or more; commercial motor vehicle driver: .04% BAC	Defendant shall complete alcohol information course at alcohol treatment program approved by Dept. of Corrections & Human Services which may include alcohol or drug treatment or both if considered necessary by counselor conducting program (show less...) (show more...)	6 mos.; subsequent offense: 1 yr.; completion of alcohol information course or treatment must be completed before revocation ends (show less...) (show more...)
NEBRASKA	28-105; 28-106; 60-6,196 to 60- 6,211.11;	.08% BAC; under age 21: .02% BAC	Presentence evaluation in alcohol assessment, paid for by person convicted; judge may order program based on results of assessment (show less...) (show more...)	6 mos., if judge orders suspension of sentence or probation, 60 days from time of order, alternative to immobilization is use of IID; 2nd offense within 12 yrs.: suspension for 45 days and 1 yr. IID; 3rd or subsequent offense within 12 yrs.: 15 yrs., if probation or suspended sentence, license must be revoked for at least 2 yrs., then may have IID (show less...) (show more...)
			Must pay for and complete educational course on alcohol and substance abuse; 2nd offense within 7 yrs.: court may order to undergo program of treatment for alcoholism or drug abuse; for 1st and 2nd offense if BAC is greater than .08% within 2 hrs. of driving	Imprisonment 2 days to 6 mos. or 48 to 96 hrs. community service and fine \$400 to \$1,000; 2nd offense within 7 yrs.: imprisonment 10 days to 6 mos., 100 to 200 hrs. (show less...) (show more...)

NEVADA	484C.110 to 484C.640	.08% BAC within 2 hrs. after driving or being in actual physical control of vehicle	drug abuse, for 1st and 2nd violation: person may apply to undergo 1 yr. program for alcoholism and drug abuse if he or she is classified by counselor or physician as drug abuser or alcoholic; may also apply for program of treatment as conditional suspension of sentence	than .08%; may apply for restricted license if person meets certain conditions and pays for IID (show less...) (show more...)	community service and fine \$750 to \$1,000; 3rd or subsequent offense within 7 yrs.: category B felony, punishable by imprisonment 1 to 6 yrs. and fine \$2,000 to \$5,000; civil penalty of \$35 paid to court in addition to any penalty (show less...) (show more...)	2015 (7th Ed.)
NEW HAMPSHIRE	265-A:2 to 265-A:42	.08% BAC; under age 21: .02% or more	Yes, Impaired Driver Intervention Program; must successfully complete to get license back; must be approved by the commissioner of the Department of Health and Human Services and the commissioner of Safety	9 months to 2 yrs.; 2nd offense: 3 yrs.; 3rd offense: indefinite, minimum 5 yrs.; 4th or subsequent offense: indefinite, minimum 7 yrs.; court may require IID during period of sentence reduction and may reimpose longer suspension period if noncompliant (show less...) (show more...)	Fine at least \$500; 2nd offense within 2 yrs.: imprisonment at least 60 days and \$750 fine; 2nd offense between 2 and 10 yrs.: imprisonment at least 17 days and \$750 fine; 3rd offense: imprisonment 180 days and full substance disorder evaluation and \$750 fine; enhanced penalties for transporting person under 16, speeding 30 mph over limit, or accident resulting in serious bodily injury (show less...) (show more...)	2015 (7th Ed.)
NEW JERSEY	39:4-50; 39:4-50.14; 39:4-50.17	.08% BAC; under age 21: .01% or more	Screening, evaluation, referral program, and fee requirements of Div. of Alcoholism's Intoxicated Driving Programs Unit and 12-48 hrs. in 2 consecutive days in Intoxicated Driver Resource Center and a program of alcohol education and highway safety as proscribed by director of Div. of Motor Vehicles	3 mos. to 1 yr.; 2nd offense: 2 yrs.; 3rd offense: 10 yrs.; if driver is under 17, period of revocation begins at 17th birthday; IID required for 2nd or subsequent offense; if underage and BAC .01-.08%, suspension 30 to 90 days beginning on day eligible to obtain license and community service 15 to 30 days (show less...) (show more...)	Imprisonment up to 30 days, 12 to 48 hrs. in Intoxicated Driver Resource Center, fine \$250 to \$400; 2nd offense: imprisonment 48 hrs. to 90 days, 30 days community service, fine \$500 to \$1,000; 3rd offense: imprisonment 180 days, up to 90 days can be exchanged for community service, and \$1,000 fine; underage for drinking and found DWI are subject to stiffer penalties (show less...) (show more...)	2015 (7th Ed.)
NEW MEXICO	66-5-29; 66-5-501 to 66-5-504; 66-8-102; 66-8-112	.08% BAC within 3 hrs. of driving; under age 21: .02% BAC; commercial motor vehicle driver: .04% within 3 hrs. of driving	May be required by court to enroll in screening program to determine level of abuse and recommendation of treatment, if necessary; must complete any recommended treatment program required by court; 1st offense: must attend driver rehab program for alcohol or drugs, a "DWI school," and any other rehab programs the court finds necessary; upon 2nd or 3rd conviction, person required to complete not less than 28 day inpatient, residential, or in-custody substance abuse treatment program; not less than 90 day outpatient treatment program; or any other substance abuse treatment program, all of which must be approved by the court	1 yr.; 2nd offense: 2 yrs.; 3rd offense: 3 yrs.; 4th or subsequent offense: for remainder of offender's life subject to 5 yr. review; may apply for IID license (show less...) (show more...)	Imprisonment 24 hrs. to 90 days and fine up to \$500, if sentence suspended or in part deferred, probation up to 1 yr.; 2nd offense: imprisonment 96 hrs. to 364 days and fine \$50 to \$1,000; probation may be 1 to 5 yrs. if sentence suspended or in part deferred and at least 48 hrs. community service; 3rd offense: imprisonment 30 to 364 days and/or fine \$750 to \$1,000 and at least 96 hrs. community service; 4th offense: 4th degree felony, punishable by 18 mos. imprisonment, 6 mos. may not be suspended; 5th offense: 4th degree felony, punishable by 2 yrs. imprisonment, 1 yr. may not be suspended; 6th offense: 3rd degree felony, punishable by 30 mos. imprisonment, 18 mos. may not be suspended; 7th or subsequent offense: 3rd degree felony, punishable by 3 yrs. imprisonment, 2 yrs. may not be suspended (show less...) (show more...)	2015 (7th Ed.)
NEW YORK	Veh. & Traf. 1192 to 1199	.08% BAC; commercial motor vehicle drivers: .04%; under age 21: .02%	Court may require attendance at single session of "victims impact program"	90 days; 2nd offense within 5 yrs.: 6 mos.; 3rd offense within 10 yrs: 6 mos.; in addition to other punishments, may impose a term of probation or conditional discharge provided an IID is installed for a period of no less than one year (show less...) (show more...)	Imprisonment up to 15 days and/or fine \$300 to \$500; 2nd offense within 5 yrs.: imprisonment up to 30 days and/or fine \$500 to \$750; 3rd or subsequent offense within 10 yrs.: imprisonment up to 180 days and/or fine \$750 to \$1,500 (show less...) (show more...)	2015 (7th Ed.)
					Court assesses the following levels of penalties based upon a list	

NORTH CAROLINA	20-138.1 to 20-138.5; 20-179	<p>.08% BAC at any relevant time after the driving; commercial motor vehicle driver: .04%; under age 21: no amount of alcohol</p> <p>(show less...)(show more...)</p>	Assessment may be required for alcoholism and substance abuse and appropriate treatment if necessary in program approved by Dept. of Human Resources; if placed on probation then must obtain substance abuse assessment and education or treatment for restoration of driver's license as condition of probation	Level 5: 30 days; level 4: 60 days; level 3: 90 days	of grossly aggravating, aggravating and mitigating factors: level 5: 24 hrs. jail, 24 hrs. community service, and \$200 fine; level 4: 48 hrs. jail, 48 hrs. community service, and \$500 fine; level 3: 72 hrs. jail, 72 hrs. community service, and \$1,000; level 2: up to \$2,000 fine, 7 days to 12 mos. jail; level 1: up to \$4,000 fine, 30 days to 24 mos. jail. Level 1 and 2 reserved for grossly aggravating factors only, such as prior convictions, serious injury, driving with child under 16 yrs. old	2015 (7th Ed.)
					(show less...) (show more...)	
NORTH DAKOTA	39-06.1-10; 39-08-01	<p>.08% BAC within 2 hrs. of driving</p>	Order for addiction evaluation by appropriate licensed addiction treatment program with appropriate treatment if necessary	90 days; 2nd offense within 5 yrs.: 1 yr.; 3rd offense within 5 yrs.: 2 yrs.; increased suspension periods for BAC of .18%; may issue temporary restricted license that takes effect after 30 days of suspension with IID if was 1st offense; may not if it is 2nd or subsequent offense; except may be issued if participating in 24/7 sobriety program and offender has not committed offense for period of 1 yr. before date of filing application	Class B misdemeanor, \$500 fine; 2nd offense within 5 yrs.: class B misdemeanor, punishable by imprisonment at least 10 days, \$1,500 fine, at least 12 mos. participation in 24/7 sobriety program; 3rd offense within 5 yrs.: class A misdemeanor, punishable by imprisonment 120 days, \$2,000 fine, at least 1 yr. supervised probation, participation in 24/7 sobriety program; 4th or subsequent offense, punishable by imprisonment at least 1 yr. and 1 day; \$2,000 fine, order for additional evaluation, at least 2 yrs. supervised probation, participation in 24/7 sobriety program	2015 (7th Ed.)
				(show less...) (show more...)	(show less...) (show more...)	(show less...) (show more...)
OHIO	4510.02; 4510.021; 4511.19; 4511.99; 5119.38	<p>.08% BAC; under 21: .02% BAC</p>	Driver's Intervention Program as 1 yr. alternative to jail sentence; rehab may be required in sentences; 4th or subsequent offense: required attendance at alcohol and drug addiction program	6 mos. to 3 yrs.; 2nd offense within 6 yrs.: 1 to 5 yrs.; 3rd offense within 6 yrs.: 2- to 0 yrs.; 4th offense within 6 yrs.: min. 3 yrs. to permanent	Imprisonment 3 days to 6 mos. and fine \$375 to \$1,075, class 5 license suspension; 2nd offense: imprisonment 10 days to 6 mos. and fine \$525 to \$1,625, class 4 license suspension; 3rd offense: imprisonment 30 days to 1 yr. and fine \$850 to \$2,750, class 3 license suspension; 4th or subsequent offense: imprisonment 60 days to 1 yr. and fine \$1,350 to \$10,500, class 2 license suspension	2015 (7th Ed.)
				(show less...) (show more...)	(show less...) (show more...)	(show less...) (show more...)
OKLAHOMA	Tit. 47, §§ 6-205.1; 11-902	<p>.08% BAC within 2 hrs. after arrest</p>	Participate in assessment and evaluation; 2nd offense: shall follow all recommendations made in assessment and evaluation for treatment at defendant's expense; 3rd offense: follow all recommendations made in assessment and evaluation for treatment and 240 hrs. community service and use of IID	180 days; 2nd offense within 5 yrs.: 1 yr., may be modified with at least 1 yr. IID; 3rd offense within 5 yrs.: 3 yrs., may be modified with at least 3 yrs. IID	Imprisonment 10 days to 1 yr. and fine up to \$1,000; 2nd offense within 10 yrs.: felony, punishable by imprisonment 1 to 5 yrs. and fine up to \$2,500; 3rd offense within 10 yrs.: felony, punishable by imprisonment 1 to 7 yrs. and fine up to \$5,000; 4th or subsequent offense: felony, punishable by imprisonment 1 to 10 yrs. and fine up to \$5,000	2015 (7th Ed.)
				(show less...) (show more...)	(show less...) (show more...)	(show less...) (show more...)
OREGON	161.605; 161.615; 809.420; 813.010 to 813.616	<p>.08% BAC; under 21: any amount</p>	Mandatory complete exam by court approved agency/organization to determine whether individual has a problem condition involving alcohol or controlled substances; complete a treatment program if exam shows it necessary; if none necessary, then complete	1 yr.; 2nd or subsequent offense within 5 yrs.: 3 yrs.	Class A misdemeanor, punishable by imprisonment up to 1 yr. and minimum \$1,000 fine, fees for programs; 2nd offense: imprisonment up to 1 yr. and minimum \$1,500 fine, fees for programs; 3rd or subsequent offense: imprisonment up to 1 yr. and minimum \$2,000 fine, fees for programs; 4th or	2015 (7th Ed.)

			alcohol and drug information program. (show less...) (show more...)	ees for programs, 4th or subsequent offense: class C felony, punishable by imprisonment up to 5 yrs. (show less...) (show more...)
PENNSYLVANIA	Tit. 75, §§ 1532; 3802 to 3817	.08% BAC within 2 hrs. of driving or actual physical control of vehicle; under 21: .02% BAC within 2 hrs. of driving or actual physical control of any vehicle; commercial or school vehicle driver: .04% BAC within 2 hrs. of driving or actual physical control of vehicle (show less...) (show more...)	Evaluation to determine extent of person's involvement with alcohol or controlled substances using Court Reporting Network instruments (may order treatment if necessary) and mandatory attendance in approved alcohol highway safety school; may require as part of sentencing or condition of parole, probation or Accelerated Rehabilitative Disposition or other preliminary disposition, that the person successfully complete a prescribed program of individual or group intervention or supervised inpatient or outpatient treatment; if after evaluation and further examination and hearing it is determined that a defendant is an alcohol abuser who represents a serious threat, may order defendant committed for treatment at a facility or institution; (show less...) (show more...)	Misdemeanor, punishable by up to 6 months probation and \$300 fine; 2nd offense: imprisonment 5 days to 6 mos. and fine \$300 to \$2,500; 3rd or subsequent offense: misdemeanor in 2nd degree, punishable by imprisonment 10 days to 2 yrs. and fine \$500 to \$5,000; sentencing and fines higher for minors and commercial drivers, and judge may impose up to 150 hrs. community service in addition to above penalties (show less...) (show more...)
RHODE ISLAND	31-27-2 to 31-27-3.1	.08% BAC	Attendance required at special course on DWI or under the influence of controlled substance and/or alcoholic or drug treatment for individual (show less...) (show more...)	Imprisonment up to 1 yr. and/or 10 to 60 hrs. community service and fine \$100 to \$300; 2nd offense within 5 yrs.: imprisonment 10 days to 1 yr. and \$400 fine; 3rd or subsequent offense within 5 yrs.: imprisonment 1 to 3 yrs. and \$400 fine, may have car seized and sold by State of Rhode Island with proceeds going to general fund; anyone convicted under this section pays highway assessment fine of \$500; different penalties for those under 18 (show less...) (show more...)
SOUTH CAROLINA	56-5-2930 to 56-5-2995	"Under influence of intoxicating substances—liquor or drugs"; .08% BAC	Evaluation and successful completion of Alcohol and Drug Safety Action Program certified by South Carolina Commission on Alcohol and Drug Abuse prior to reinstatement of license (show less...) (show more...) (show less...) (show more...)	1st: 6 mos., may obtain IID license for remainder of suspension, if remained rid less than 3 mos., IID for 3 mos.; 2nd offense: 2 yrs. IID; 3rd offense: 3 yrs. IID; 4th or subsequent offense: IID for life (show less...) (show more...) (show less...) (show more...)
SOUTH DAKOTA	22-6-1; 22-6-2; 32-23-1 to 32-23-23	.08% BAC or "under the influence"; under age 21: .02% BAC	Required if .17% BAC; court-ordered evaluation to determine if addicted to alcohol	Minimum 30 days to 1 yr.; 2nd offense: minimum 1 yr.; 3rd offense: minimum 1 yr.; 4th offense: minimum 2 yrs.; 5th or subsequent offense: minimum 3 yrs.; 6th or subsequent offense with at least 5 convictions within 25 yrs.: minimum 3 yrs.; supervision may include IID (show less...) (show more...)
				Class 1 misdemeanor, punishable by imprisonment 1 yr. and/or \$2,000; 2nd offense within 5 yrs.: imprisonment 3 days to 1 yr. and/or \$2,000 fine; 3rd offense within 5 yrs.: class 6 felony, punishable by imprisonment 10 days to 2 yrs. and/or \$4,000 fine; 4th offense: class 5 felony, punishable by imprisonment 5 yrs. and may impose \$10,000 fine; 5th or subsequent offense: class 4 felony, punishable by 20 days to 10 yrs. and may impose \$20,000 fine (show less...) (show more...)
				Imprisonment 48 hrs. to 11 mos. 29 days and fine \$350 to \$1,500, as

			condition of probation, remove litter during daylight hours from public roadways and property for a period of 24 hours in 3 shifts of 8 consecutive hours each; 2nd offense within 10 yrs.: imprisonment 45 days to 11 mos. 29 days and fine \$600 to \$3,500; 3rd or subsequent offense: imprisonment 120 days to 11 mos. 29 days and fine \$1,100 to \$10,000; 4th or subsequent offense: class E felony, punishable by imprisonment 150 days to 2 yrs. and fine \$3,000 to \$15,000; enhanced penalties for multiple offenders within 10 yrs., serious bodily injury, or minor offenders (show less...) (show more...)	2015 (7th Ed.)
TENNESSEE	40-2-101; 55-10-401 to 55-10- 424	"Under the influence" .08% BAC; commercial motor vehicle driver: .04% BAC	2nd or subsequent offense: as condition of probation, may be ordered to participate in a substance abuse treatment program, 1 yr.; 2nd offense: 2 yrs.; which includes after care 3rd offense: 6 yrs.; 4th or recommended by treatment subsequent offense: 8 yrs.; program, licensed or may apply for restricted certified by the department license with IID of mental health and (show less...) (show more...) substance abuse services, which includes certified drug or DUI court (show less...) (show more...)	
TEXAS	Penal §§ 12.21; 12.22; 12.34; 42.12; 49.01; 49.04, 49.09,	Intoxicated: "not having normal use of menial or physical faculties by reason of introduction of alcohol . . ." or .08% BAC (show less...) (show more...)	Judge may suspend sentence and place defendant on community supervision; provided that in felony case, minimum period of community supervision is same as minimum term of imprisonment (show less...) (show more...)	Class B misdemeanor, punishable by imprisonment 72 hrs. to 180 days and \$2,000 fine; 2nd offense within 10 yrs.: class A misdemeanor, punishable by imprisonment 30 days to 1 yr and \$4,000 fine; court may order community supervision (show less...) (show more...)
UTAH	41-6A-501 to 41-6A- 530	.08% BAC at time of test .08% BAC at time of test	Assessment and educational series at a licensed alcohol dependency rehab facility; court may order treatment if person has problem; 2nd offense: same as above, treatment at court's discretion; 3rd or subsequent offense: same as above, treatment at alcohol rehab facility is mandatory (show less...) (show more...)	Class B misdemeanor, punishable by 48 hrs. jail and at least 48 hrs. compensatory-service work program or 48 hrs. electronic monitoring and fine at least \$700, class A misdemeanor if bodily injury involved or child under 16 is passenger; 2nd offense within 6 yrs.: imprisonment at least 240 hrs. or at least 240 hrs. community service and at least \$800 fine; 3rd or subsequent offense within 10 yrs.: 3rd degree felony, punishable by imprisonment 1,500 hrs. and at least \$1,500 fine (show less...) (show more...)
VERMONT	Title 23, §§ 1201 to 1220B	.08% BAC; under 21: .02% BAC; school bus driver: .02% BAC; commercial motor vehicle driver: .04% BAC	Alcohol assessment screening-therapy program or driver rehab if necessary at court's discretion; 2nd offense: completion or substantial progress in completing therapy program; no license suspended or revoked may be reinstated even with IID except in 1st suspension of Alcohol and Driving Ed. Program, and assessment for further treatment; in 2nd offense, suspension after completion of alcohol and driving rehabilitation program and completion or substantial progress in completing a therapy program; in 3rd or subsequent offense, same as 2nd offense requirements; may also apply for reinstatement after three years of total abstinence where the license has been suspended for life; eligible only once for reinstatement after suspension for life (show less...) (show more...)	May operate under terms of program; IID after 30 days of 90-day suspended or revoked may period unless offense involved a collision resulting in serious bodily injury or death to another; 2nd offense: may operate under terms of IID after 90 days of 18 month period unless offense involved a collision resulting in serious bodily injury or death to another; 3rd offense: may operate under terms of IID after one year of lifetime suspension unless offense involved a collision resulting in serious bodily injury or death to another (show less...) (show more...)

				under age 21: .02 to .08% BAC: mandatory fine of \$500 and mandatory min. of 50 hours of community service; 1st offense: mandatory minimum fine of \$250; 2nd offense w/in 5 years: imprisonment 1 mo. to 1 yr. and mandatory minimum fine of \$500; 2nd offense w/in 5 to 10 years: class 7 felony, punishable by imprisonment not less than 1 mo. and mandatory min. fine of \$500; 2nd offense within 5 to 10 yrs.: imprisonment minimum of 1 mo. and \$500 fine; 3rd offense within 10 yrs.: class 6 felony, punishable by imprisonment minimum 90 days and mandatory minimum fine \$1,000; 4th or subsequent offense within 10 yrs.: imprisonment mandatory minimum 1 yr. and mandatory minimum \$1,000 fine (show less...) (show more...)	2015 (7th Ed.)
VIRGINIA	18.2-266 to 18.2-391 273; 46.2-391	.08% BAC; under age 21: .02% BAC	Alcohol Safety Action Program certified by commission on the VA Alcohol Safety Action Program (VASP) for 1st or 2nd offense at court's discretion (show less...) (show more...)	1 yr.; 2nd offense within 10 yrs.: 3 yrs.; 3rd offense within 10 yrs.: revoked indefinitely; may petition for restoration after 5 yrs. from date of last conviction and court may, in its discretion, restore on condition of IID for period of at least 6 mos. prior to evaluation, court must order evaluation of person and include assessment of degree of alcohol abuse and appropriate treatment (show less...) (show more...)	
WASHINGTON	9.94A.603; 46.61.502 to 46.61.524; 46.20.720	.08% BAC within 2 hrs. of driving; under age 21: .02% BAC within 2 hrs. of driving	A diagnostic evaluation and treatment recommendation by alcoholism agency approved by Dept. of Social & Health Services and completion of alcohol information course; when sentenced under 9.94A.603, court shall order alcohol dependency treatment (show less...) (show more...)	90 days; 2nd offense within 3 yrs.: 2 yrs. and subject to vehicle seizure and forfeiture; 3rd or subsequent offense: 3 yrs; may substitute IID for sobriety program monitoring; may order that for period of suspension, revocation, or denial of driving privileges, use of IID; IID use 1st offense: 1 yr.; 2nd offense: 5 yrs.; 3rd or subsequent offense: 10 yrs.; longer suspension period for higher BAC: over 15% (show less...) (show more...)	1st offense with no prior offenses in 7 yrs.: Imprisonment up to 364 days and fine \$350 to \$5,000; 2nd offense within 7 yrs.: imprisonment 30 to 364 days and electronic home monitoring and fine \$500 to \$5,000; 3rd or 4th offense within 7 yrs.: imprisonment 90 to 364 days, 6 mo. period of 24/7 sobriety program monitoring, 120 days electronic home monitoring and fine \$1,000 to \$5,000 (show less...) (show more...)
WEST VIRGINIA	17C-5-2 to 17C-5-10; 17C-5A-2 to 17C-5A-4	.08% BAC; under 0.0% BAC; commercial motor vehicle driver: .00% BAC	Yes, an approved educational and treatment program; may be deferred upon condition of participation in motor vehicle alcohol test and lock program; for reissuance of license, must participate in treatment program that includes treatment of alcoholism, alcohol and drug abuse, psychological counseling, education courses on the dangers of alcohol and drugs as they related to driving; (show less...) (show more...)	6 mos. or 15 days with an additional 120 days in Motor Vehicle Test and Lock Program; may apply for reissuance after 90 days; prior revocation w/in ten yrs.: 10 yrs.; may apply for reissuance once one-half the time has elapsed and has successfully completed treatment program; prior revocation more than once within 10 yrs.: life; may not be reissued until at least 10 yrs. have elapsed and has successfully completed the program; Motor Vehicle Alcohol Test and Lock Program for all whose licenses have been revoked (show less...) (show more...)	Imprisonment up to 6 mos. and fine \$100 to \$500; 2nd offense: imprisonment 6 mos. to 1 yr. and fine \$1,000 to \$3,000; 3rd offense: felony, punishable by imprisonment 1 to 3 yrs. and fine \$3,000 to \$5,000; bodily injury, death, or .02-.10% BAC for minors results in harsher penalties (show less...) (show more...)
WISCONSIN	340.01; 343.30 to 343.307; 346.63 to 346.65	.08% BAC; under age 21: 0.0% BAC; commercial motor vehicle driver: .00% BAC	Assessment by approved public treatment facility for examining person's use of alcohol or drugs and for developing a driver safety plan for the person (show less...) (show more...)	6-9 mos., 2nd offense within 5 yrs.: 18 mos. to 1 yr., court may order motor vehicle to be seized; 3rd or subsequent offense within 10 yrs.: 2 to 3 yrs.; may apply for occupational license with IID (show less...) (show more...)	\$150 to \$300 fine; 2nd offense within 5 yrs.: imprisonment 5 days to 6 mos. and fine \$350 to \$1,100; 3rd offense within 10 yrs.: imprisonment 30 days to 1 yr. and fine \$60 to \$2,000; 4th offense within 10 yrs.: imprisonment 60 days to 1 yr. and fine \$600 to \$2,000; 5th offense within 10 yrs.: imprisonment 6 mos. to 5 yrs. and fine \$600 to \$2,000; may do community service in lieu of all or part of fine (show less...) (show more...)
			Person convicted shall be	Misdemeanor, punishable by imprisonment up to 6 mos. and/or fine up to \$750; 2nd offense within	

WYOMING	<p>31-5-233; .08% BAC within 2 hrs. of driving or being in physical control of vehicle; .05-.08% no presumption but may be used as evidence; under age 21: .02% BAC</p> <p>(show less...)(show more...)</p>	ordered to/shall receive substance abuse assessment at or before sentencing; judge may suspend part or all of imprisonment sentence and place on probation on condition of completion of alcohol education or treatment program	90 days; 2nd offense within 10 yrs.: imprisonment 7 days to 6 mos. and fine \$200 to \$750; 3rd or subsequent offense within 10 yrs.: imprisonment 30 days to 6 mos. and fine \$750 to \$3,000; 4th or subsequent offense within 10 yrs.: felony, punishable by imprisonment up to 7 yrs. and/or fine up to \$10,000; harsher penalties for serious bodily injury	2015 (7th Ed.)
			(show less...) (show more...)	

EXHIBIT D

2005 75 Pa.C.S. § 3804

2005 Pennsylvania Code Archive

PENNSYLVANIA STATUTES, ANNOTATED BY LEXISNEXIS(R) > PENNSYLVANIA CONSOLIDATED STATUTES > TITLE 75. VEHICLES > PART III. OPERATION OF VEHICLES > CHAPTER 38. DRIVING AFTER IMBIBING ALCOHOL OR UTILIZING DRUGS

§ 3804. Penalties

(a) GENERAL IMPAIRMENT.-- Except as set forth in subsection (b) or (c), an individual who violates section 3802(a) (relating to driving under influence of alcohol or controlled substance) shall be sentenced as follows:

(1) For a first offense, to:

- (i)** undergo a mandatory minimum term of six months' probation;
- (ii)** pay a fine of \$ 300;
- (iii)** attend an alcohol highway safety school approved by the department; and
- (iv)** comply with all drug and alcohol treatment requirements imposed under sections 3814 (relating to drug and alcohol assessments) and 3815 (relating to mandatory sentencing).

(2) For a second offense, to:

- (i)** undergo imprisonment for not less than five days;
- (ii)** pay a fine of not less than \$ 300 nor more than \$ 2,500;
- (iii)** attend an alcohol highway safety school approved by the department; and
- (iv)** comply with all drug and alcohol treatment requirements imposed under sections 3814 and 3815.

(3) For a third or subsequent offense, to:

- (i)** undergo imprisonment of not less than ten days;
- (ii)** pay a fine of not less than \$ 500 nor more than \$ 5,000; and
- (iii)** comply with all drug and alcohol treatment requirements imposed under sections 3814 and 3815.

(b) HIGH RATE OF BLOOD ALCOHOL; MINORS; COMMERCIAL VEHICLES AND SCHOOL BUSES AND SCHOOL VEHICLES; ACCIDENTS.--Except as set forth in subsection (c), an individual who violates section 3802(a)(1) where there was an accident resulting in bodily injury, serious bodily injury or death of any person or damage to a vehicle or other property or who violates section 3802(b), (e) or (f) shall be sentenced as follows:

(1) For a first offense, to:

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- (i) undergo imprisonment of not less than 48 consecutive hours;
- (ii) pay a fine of not less than \$ 500 nor more than \$ 5,000;
- (iii) attend an alcohol highway safety school approved by the department; and
- (iv) comply with all drug and alcohol treatment requirements imposed under sections 3814 and 3815.

(2) For a second offense, to:

- (i) undergo imprisonment of not less than 30 days;
- (ii) pay a fine of not less than \$ 750 nor more than \$ 5,000;
- (iii) attend an alcohol highway safety school approved by the department; and
- (iv) comply with all drug and alcohol treatment requirements imposed under sections 3814 and 3815.

(3) For a third offense, to:

- (i) undergo imprisonment of not less than 90 days;
- (ii) pay a fine of not less than \$ 1,500 nor more than \$ 10,000; and
- (iii) comply with all drug and alcohol treatment requirements imposed under sections 3814 and 3815.

(4) For a fourth or subsequent offense, to:

- (i) undergo imprisonment of not less than one year;
- (ii) pay a fine of not less than \$ 1,500 nor more than \$ 10,000; and
- (iii) comply with all drug and alcohol treatment requirements imposed under sections 3814 and 3815.

(c) INCAPACITY; HIGHEST BLOOD ALCOHOL; CONTROLLED SUBSTANCES.--An individual who violates section 3802(a)(1) and refused testing of blood or breath or an individual who violates section 3802(c) or (d) shall be sentenced as follows:**(1)** For a first offense, to:

- (i) undergo imprisonment of not less than 72 consecutive hours;
- (ii) pay a fine of not less than \$ 1,000 nor more than \$ 5,000;
- (iii) attend an alcohol highway safety school approved by the department; and
- (iv) comply with all drug and alcohol treatment requirements imposed under sections 3814 and 3815.

(2) For a second offense, to:

- (i) undergo imprisonment of not less than 90 days;
- (ii) pay a fine of not less than \$ 1,500;
- (iii) attend an alcohol highway safety school approved by the

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department; and

(iv) comply with all drug and alcohol treatment requirements imposed under sections 3814 and 3815.

(3) For a third or subsequent offense, to:

(i) undergo imprisonment of not less than one year;

(ii) pay a fine of not less than \$ 2,500; and

(iii) comply with all drug and alcohol treatment requirements imposed under sections 3814 and 3815.

(d) EXTENDED SUPERVISION OF COURT.--If a person is sentenced pursuant to this chapter and, after the initial assessment required by section 3814(1), the person is determined to be in need of additional treatment pursuant to section 3814(2), the judge shall impose a minimum sentence as provided by law and a maximum sentence equal to the statutorily available maximum. A sentence to the statutorily available maximum imposed pursuant to this subsection may, in the discretion of the sentencing court, be ordered to be served in a county prison, notwithstanding the provisions of 42 Pa.C.S. § 9762 (relating to sentencing proceeding; place of confinement).

(e) SUSPENSION OF OPERATING PRIVILEGES UPON CONVICTION.--

(1) The department shall suspend the operating privilege of an individual under paragraph (2) upon receiving a certified record of the individual's conviction of or an adjudication of delinquency for:

(i) an offense under section 3802; or

(ii) an offense which is substantially similar to an offense enumerated in section 3802 reported to the department under Article III of the compact in section 1581 (relating to Driver's License Compact).

(2) Suspension under paragraph (1) shall be in accordance with the following:

(i) Except as provided for in subparagraph (iii), 12 months for an ungraded misdemeanor or misdemeanor of the second degree under this chapter.

(ii) 18 months for a misdemeanor of the first degree under this chapter.

(iii) There shall be no suspension for an ungraded misdemeanor under section 3802(a) where the person is subject to the penalties provided in subsection (a) and the person has no prior offense.

(iv) For suspensions imposed under paragraph (1)(ii), notwithstanding any provision of law or enforcement agreement to the contrary, all of the following apply:

(A) Suspensions shall be in accordance with Subchapter D of Chapter

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15 (relating to the Driver's License Compact).

(B) In calculating the term of a suspension for an offense that is

substantially similar to an offense enumerated in section 3802, the department shall presume that if the conduct reported had occurred in this Commonwealth then the person would have been convicted under section 3802(a)(2).

(v) Notwithstanding any other provision of law or enforcement

agreement to the contrary, the department shall suspend the operating privilege of a driver for six months upon receiving a certified record of a consent decree granted under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) based on section 3802.

(f) COMMUNITY SERVICE ASSIGNMENTS.--In addition to the penalties set forth in this section, the sentencing judge may impose up to 150 hours of community service. Where the individual has been ordered to drug and alcohol treatment pursuant to sections 3814 and 3815, the community service shall be certified by the drug and alcohol treatment program as consistent with any drug and alcohol treatment requirements imposed under sections 3814 and 3815.

(g) SENTENCING GUIDELINES.-- The sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory penalties of this section.

(h) APPEAL.-- The Commonwealth has the right to appeal directly to the Superior Court any order of court which imposes a sentence for violation of this section which does not meet the requirements of this section. The Superior Court shall remand the case to the sentencing court for imposition of a sentence in accordance with the provisions of this section.

(i) FIRST CLASS CITIES.-- Notwithstanding the provision for direct appeal to the Superior Court, if, in a city of the first class, a person appeals from a judgment of sentence under this section from the municipal court to the common pleas court for a trial de novo, the Commonwealth shall have the right to appeal directly to the Superior Court from the order of the common pleas court if the sentence imposed is in violation of this section. If, in a city of the first class, a person appeals to the court of common pleas after conviction of a violation of this section in the municipal court and thereafter withdraws his appeal to the common pleas court, thereby reinstating the judgment of sentence of the municipal court, the Commonwealth shall have 30 days from the date of the withdrawal to appeal to the Superior Court if the sentence is in violation of this section.

(j) ADDITIONAL CONDITIONS.-- In addition to any other penalty imposed under law, the court may sentence a person who violates section 3802 to any other requirement or condition consistent with the treatment needs of the person, the restoration of the victim to preoffense status or the protection of the public.

(k) NONAPPLICABILITY.-- Except for subsection (e), this section shall not apply to dispositions resulting from proceedings under 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

History

[Act 2003-24 \(S.B. 8\), § 16, approved Sept. 30, 2003, eff. Feb. 1, 2004.](#); [Act 2004-177 \(S.B. 133\), § 3, approved Nov. 29, 2004, eff. immediately.](#)